

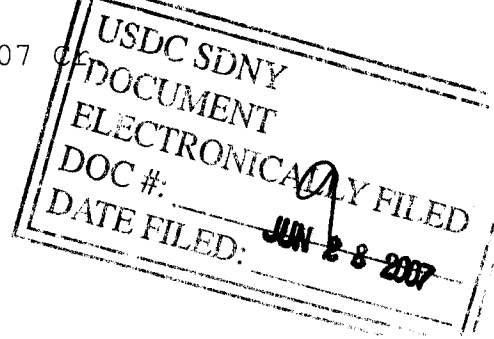
07 CRIM. 588

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
:
UNITED STATES OF AMERICA
:
- v. -
:
JOHN AVILES,
:
Defendant.
:
----- x

INDICTMENT

07 CR



COUNTS ONE THROUGH TEN

The Grand Jury charges:

1. From at least in or about July, 2006, up to and including in or about December, 2006, in the Southern District of New York and elsewhere, JOHN AVILES, the defendant, unlawfully, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, for the purpose of executing such scheme and artifice and attempting so to do, placed in a post office and authorized depository for mail matter, matters and things to be sent and delivered by the Postal Service, and deposited and caused to be deposited matters and things to be sent and delivered by private and commercial interstate carriers, and took and received therefrom, and knowingly caused to be delivered by mail and such carriers, according to the directions thereon, such matters and things, to wit, AVILES, having devised

a scheme to take money from others by entering into sham sales of various items, agreed to sell others the items described in the table below, directed others to mail payment for these items in the amounts listed below to an address in New York, New York, and, after receiving payment and cashing the purchasers' checks and money orders, never sent the items to the purchasers:

Count	Item	Amount	Approximate Date of Mailing
1	Kenne Bell 99-04 Mustang GT 4.6 Supercharger Kit	\$3,766.00	7/12/06
2	Icon800 TTI 5.0 Mustang Turbo System Complete	\$2,372.85	10/23/06
3	Edelbrock Pro Flo EFI Mopar 440 Fuel Injection	\$1,923.00	11/2/06
4	Kenne Bell Fox Mustang 5.0 GT Blowzilla	\$3,070.00	11/2/06
5	Kenne Bell 86-93 Ford Mustang GT Supercharger	\$2,495.00	11/3/06
6	Kenne Bell 86-93 5.0 Ford Mustang GT Supercharger	\$2,500.00	11/6/06
7	Kenne Bell 1.7 Supercharger Ford Mustang GT 96-04 4.6	\$3,720.00	11/7/06
8	Kenne Bell 2005+ Mustang GT 2.4 Blower Kit	\$3,621.01	11/9/06
9	ATI Procharger F1 Mustang GT Fox 5.0 302 Supercharger	\$2,295.00	11/13/06
10	Kenne Bell 94-95 SN95 Ford Mustang GT Supercharger	\$2,671.00	11/24/06

(Title 18, United States Code, Sections 1341 and 2.)

FORFEITURE ALLEGATION

2. As the result of committing the offenses in violation of Title 18, United States Code, Sections 1341 and 2, as alleged in Counts One through Ten of this Indictment, JOHN AVILES, the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, that represents or is traceable to the gross receipts obtained, directly or indirectly, from the commission of the charged offenses, including but not limited to the following:

a. At least \$28,433.86 in United States currency, in that such sum in aggregate is property representing the amount of monies obtained as a result of the offenses charged in Counts One through Ten of this Indictment.

Substitute Asset Provision

3. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;

(4) has been substantially diminished in value;

or

(5) has been commingled with other property which

cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 28 U.S.C.

§ 2461, to seek forfeiture of any other property of said

defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981, and
Title 28, United States Code, Section 2461.)



FOREPERSON



MICHAEL J. GARCIA

United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

JOHN AVILES,

Defendant.

INDICTMENT

07 Cr.

(18 U.S.C. §§ 1341 & 2)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL


Foreperson.

6/28/07
G.C. — FILED INDICTMENT,
ASSIGNED TO JUDGE BERMAN
FOR ALL PURPOSES.

GURSTEIN, LEM J